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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,405	02/25/2002	Mark P. Zollner	CM04695H	3930
22917	7590	03/25/2005	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			TRAN, PHILIP B	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/082,405

Applicant(s)

ZOLLNER ET AL.

Examiner

Philip B Tran

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 U.S.C. § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kent, U.S. Pat. No. 5,659,881.

Regarding claim 1, Kent teaches in a communication system having a plurality of communication devices distributed among one or more sites (= multi-site environment with a plurality of communication devices) [see Fig. 1], a method comprising the steps of:

determining a rule-based criteria for prioritizing the sites (= determining ruled-based criteria for call priority in different sites) [see Abstract and Col. 4, Lines 24-38];

determining, based on the criteria, a restart sequence for the sites and in the event of a system restart, establishing service for the sites in order of the restart sequence (= determining event sequence for the calls from different sites and establishing the call service for different sites in priority) [see Col. 13, Line 33 to Col. 14, Line 44].

Regarding claim 2, Kent further teaches the method of claim 1, performed by a network manager of the communication system (= system manager 211) [see Fig. 2].

Regarding claim 3, Kent further teaches the method of claim 1, performed by a zone controller of the communication system, the step of determining a rule-based criteria comprises receiving the rule-based criteria from a network manager of the communication system (= multi-site switch 200) [see Fig. 1].

Regarding claim 4, Kent further teaches the method of claim 3, wherein the step of determining a rule-based criteria comprises receiving periodic updates of the rule-based criteria from the network manager (= updating database) [see Col. 6, Line 54 to Col. 7, Line 22].

Regarding claim 5, Kent further teaches the method of claim 1, wherein the step of determining a rule-based criteria comprises determining one or more priority communication devices and prioritizing the sites based on locations of the one or more priority communication devices among the one or more sites [see Col. 13, Line 33 to Col. 14, Line 44].

Regarding claim 6, Kent further teaches the method of claim 1, wherein the step of determining a rule-based criteria comprises determining one or more priority talkgroups and prioritizing the sites based on locations of affiliated talkgroup members

of the one or more priority talkgroups among the one or more sites [see Col. 11, Line 44 to Col. 12, Line 35 and Col. 13, Line 33 to Col. 14, Line 44].

Regarding claim 7, Kent further teaches the method of claim 1, wherein the step of determining a rule-based criteria comprises defining a console site as a highest priority site based on a number of monitored talkgroups at the console site [see Col. 14, Line 53 to Col. 15, Line 5].

Regarding claim 8, Kent further teaches the method of claim 1, wherein the plurality of communication devices are distributed among one or more sites and zones, the step of determining a rule-based criteria comprises determining a rule-based criteria for prioritizing the sites and zones, the step of determining a restart sequence comprises determining a restart sequence for the sites and zones, and the step of establishing service comprises establishing service for the sites and zone in order of the restart sequence [see Abstract and Figs. 1-2 and Col. 4, Lines 24-38 and Col. 11, Line 44 to Col. 12, Line 35 and Col. 13, Line 33 to Col. 14, Line 44].

Claim 9 is rejected under the same rationale set forth above to claim 1.

Claims 10-11 are rejected under the same rationale set forth above to claims 2-3, respectively.

Regarding claim 12, Kent further teaches the method of claim 11, wherein the step of obtaining system usage data comprises receiving the system usage data from a network manager of the communication system (= system manager 211) [see Fig. 2 and Col. 6, Lines 1-21].

Claim 17 is rejected under the same rationale set forth above to claim 8.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent, U.S. Pat. No. 5,659,881.

Regarding claims 13-16, Kent does not explicitly teach the step of determining a rule-based criteria comprises prioritizing the sites based on subscriber activity among the one or more sites, prioritizing the sites based on numbers of affiliated subscribers among the one or more sites, prioritizing the sites based on air-time usage among the one or more sites, prioritizing the sites based on numbers of call requests among the one or more sites. However, it would have been obvious to one skilled in the art to set different rule-based criteria as different design choices in order to efficiently provide services according to the predefined priority.

***Other References Cited***

5. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

A) Amitay, U.S. Pat. No. 5,371,780.

B) Felderman et al, U.S. Pat. No. 5,101,502.

C) Chavez, Jr., U.S. Pat. No. 6,058,305.

D) Ebata et al, U.S. Pat. No. 6,708,209.

E) Pithawala et al, U.S. Pat. No. 6,747,957.

F) Furusawa et al, U.S. Pat. No. 6,205,335.

G) Krautkremer, U.S. Pat. Application Pub. No. US 2003/0005112 A1.

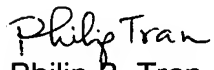
H) Anderson et al, U.S. Pat. Application Pub. No. US 2002/0091944 A1.

6. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached on (571) 272-3978.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
Philip B. Tran  
Art Unit 2155  
March 16, 2005